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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND**

JH KELLY, LLC

Plaintiff,

vs.

AECOM TECHNICAL SERVICES, INC., et al.

Defendant.

Case No. 4:20-cv-05381-HSG (Lead Case)

(Reference withdrawn from Bankruptcy Case No. 19-30088, Adv. Proc. No. 20-03019 and Adv. Proc. No. 19-03008)

(Consolidated with Case No. 3:20-cv-08463-EMC)

**[ORDER ON STIPULATED  
REQUEST TO MODIFY  
SCHEDULING ORDER]**

1 Pursuant to Civil L.R. 6-2, Plaintiff JH Kelly, LLC (“JH Kelly”), Defendant AECOM  
2 Technical Services (“AECOM”) Defendant Pacific Gas and Electric Company (“PG&E”)  
3 (together, “the Parties”) jointly seek an order of the Court to modify, in part, the responsive  
4 pleading deadlines set forth in the Court’s January 29, 2021 Scheduling Order [Dkt. No. 17].

5 The Parties, through their respective counsel, stipulate as follows:

6 WHEREAS, on January 29, 2021, the Court issued its Scheduling Order [Dkt. No. 17],  
7 which set out certain dates and deadlines for this matter;

8 WHEREAS, pursuant to the Scheduling Order, on February 1, 2021, AECOM filed its  
9 Counterclaim against PG&E, among others [Dkt. No. 21];

10 WHEREAS, PG&E and JH Kelly have notified AECOM of its intention to file a Motion to  
11 Dismiss, pursuant to Federal Rules of Civil Procedure, Rule 12(b)(6), regarding certain causes of  
12 action in AECOM’s Counterclaim;

13 WHEREAS, JH Kelly has notified AECOM of its intention to file a Motion to Dismiss  
14 and/or Strike, pursuant to Federal Rules of Civil Procedure, Rule 12, regarding certain affirmative  
15 defenses in AECOM’s Answer to JH Kelly’s First Amended Complaint;

16 WHEREAS, counsel for the Parties have engaged in several meet and confer discussions,  
17 which have resulted in AECOM’s agreement to amend its Counterclaim and its Answer;

18 WHEREAS, the Parties respectfully request an order modifying, in part, the dates and  
19 deadlines for pleadings in the Action, set forth in the Scheduling Order;

20 WHEREAS, AECOM intends, by agreeing to voluntarily amend its Counterclaim and its  
21 Answer, to potentially avoid unnecessary motion practice before this Court;

22 WHEREAS, there have been no previous modifications of the Scheduling Order and this  
23 requested modification will not impact the date for the Parties to serve their respective Rule 26  
24 Initial Disclosures;

25 NOW THEREFORE, in consideration of the foregoing, the Parties, by and through their  
26 respective counsel, hereby STIPULATE and AGREE as follows:

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1           1. On or before March 8, 2021, AECOM will file an amended Counterclaim and an  
2 amended Answer;

3           2. On or before March 29, 2021, PG&E and JH Kelly will file a responsive pleading to  
4 AECOM's amended Counterclaim and/or amended Answer, as applicable;

5           3. By entering into this Stipulation, the Parties do not waive, and expressly preserve any  
6 and all rights and defenses.

7  
8 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

9 Dated: 2/19/2021

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12 HAYWOOD S. GILLIAM, JR.  
13 United States District Judge  
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